

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

**CAH ACQUISITION COMPANY #1,
LLC, d/b/a WASHINGTON COUNTY
HOSPITAL,**

Debtors.

Case No. 19-00730-5-JNC

Chapter 11

**EX PARTE MOTION TO SHORTEN NOTICE OF AND EXPEDITE HEARING ON
TRUSTEE’S MOTION FOR (I) AN ORDER (A) ESTABLISHING BIDDING
PROCEDURES, (B) APPROVING STALKING HORSE BIDDER, (C) APPROVING
FORM AND MANNER OF NOTICES, (D) SCHEDULING HEARING TO CONSIDER
FINAL APPROVAL OF SALE AND TREATMENT OF EXECUTORY CONTRACTS
AND UNEXPIRED LEASES, AND (E) GRANTING RELATED RELIEF; AND (II) AN
ORDER (A) APPROVING SALE FREE AND CLEAR OF ALL LIENS, CLAIMS,
INTERESTS, AND ENCUMBRANCES, (B) AUTHORIZING ASSUMPTION AND
ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED
LEASES, AND (C) GRANTING RELATED RELIEF**

Pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure and Local Rule 9014-2, Thomas W. Waldrep, Jr., trustee for the above-captioned Debtors (the “Trustee”), by and through his undersigned counsel, hereby moves this Court for an Order shortening notice of and expediting hearing on the following Motion to be filed by the Trustee with the Court: *Trustee’s Motion for (I) an Order (A) Establishing Bidding Procedures, (B) Approving Stalking Horse Bidder, (C) Approving Form and Manner of Notices, (D) Scheduling Hearing to Consider Final Approval of Sale and Treatment of Executory Contracts and Unexpired Leases, and (E) Granting Related Relief; and (II) an Order (A) Approving Sale Free and Clear of All Liens, Claims, Interests, and Encumbrances, (B) Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related Relief* [Dkt. No. 519]. In support hereof, the Trustee states as follows:

1. This Court has jurisdiction to consider the relief requested herein pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157.

2. The Motion seeks entry of an Order (a) establishing bidding procedures, (b) approving a stalking horse bidder, (c) approving the form and manner of notices, (d) scheduling a hearing to consider final approval of sale and treatment of executory contracts and unexpired leases, and (e) granting related relief (the “Bidding Procedures Order”); and (ii) an Order (a) authorizing the private sale of all real property and associated personal property of the Debtor, free and clear of all liens, claims, interests, and encumbrances, with the same to attach to the sale proceeds in their relative order of priority, but subject to objection, (b) authorizing the assumption and assignment of certain executory contracts and unexpired leases, and (c) granting related relief.

3. It will be in the best interests of the bankruptcy estate of the Debtors for the Motion to be resolved as soon as possible to prevent deterioration of the Debtors’ estate. The Debtor’s estate has been operating at a loss since it reopened in May 2019. The Transferred Assets, as defined in the Motion, have been marketed extensively since early September 2019, and additional time would not increase the likelihood of such assets selling for a higher price. In addition, the Trustee believes that a higher price will be obtained for the Transferred Assets if such assets are sold in the same place and at the same time as the assets of the Other Hospitals (defined in the Motion), which gives prospective bidders the opportunity to bid on the assets of more than one hospital at the same time.

4. As time is of the essence for the Court to hear the Motion, the Trustee seeks to schedule a hearing on the Motion on Wednesday November 19, 2019 at 1:00 p.m. in Greenville, North Carolina or Thursday November 20, 2019 at 1:00 p.m. in Greenville, North Carolina.

5. The Trustee further seeks to have the deadline by which objections or responses to the Motion must be filed (the “Objection Deadline”) shortened to 5:00 p.m. on November 15, 2019.

WHEREFORE, for the foregoing reasons, the Trustee respectfully requests that this Court issue an Order:

A. Setting hearings on the Motion on Wednesday November 19, 2019 at 1:00 p.m. in Greenville, North Carolina or Thursday November 20, 2019 at 1:00 p.m. in Greenville, North Carolina;

B. Setting the Objection Deadline for November 15, 2019 at 5:00 p.m.; and

C. Providing such other relief as the Court deems just and proper.

Respectfully submitted, this the 6th day of November, 2019.

WALDREP LLP

/s/ James C. Lanik

Thomas W. Waldrep, Jr. (NC State Bar No. 11135)
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that copies of the foregoing **EX PARTE MOTION TO SHORTEN NOTICE OF AND EXPEDITE HEARING ON TRUSTEE'S MOTION FOR (I) AN ORDER (A) ESTABLISHING BIDDING PROCEDURES, (B) APPROVING STALKING HORSE BIDDER, (C) APPROVING FORM AND MANNER OF NOTICES, (D) SCHEDULING HEARING TO CONSIDER FINAL APPROVAL OF SALE AND TREATMENT OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES, AND (E) GRANTING RELATED RELIEF; AND (II) AN ORDER (A) APPROVING SALE FREE AND CLEAR OF ALL LIENS, CLAIMS, INTERESTS, AND ENCUMBRANCES, (B) AUTHORIZING ASSUMPTION AND ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES, AND (C) GRANTING RELATED RELIEF** has been served upon each of the parties listed in **Exhibit A** either electronically or via U.S. Mail First Class Mail.

This the 6th day of November, 2019.

WALDREP LLP

/s/ James C. Lanik

Thomas W. Waldrep, Jr. (NC State Bar No. 11135)

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EXHIBIT A

VIA Electronic Service

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